

KRANTZ & BERMAN LLP

Larry H. Krantz
Marjorie E. Berman

Wendy Gerstmann Powell
Special Counsel

Kimberly A. Yuhas

David V. Kirby
Aaron Twersky
Of Counsel

Writer's E-mail

lkrantz@krantzberman.com

December 6, 2013

By ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street, 8th Floor Mailroom
New York, New York 10007

Re: **U.S. v. Bonventre, et al., 10 Cr. 228 (LTS)**

Dear Judge Swain:

On behalf of all defense counsel, I am attaching a proposed jury instruction along the lines we discussed in Court. We think that Monday morning would be an opportune time for the instruction, particularly in light of the last question asked of Mr. DiPascali yesterday. I circulated this draft to the Government late this morning, but it has not yet responded. Based on their comments in Court, I assume they oppose the application.

We thank the Court for its consideration of this letter.

Respectfully submitted,

/s/
Larry H. Krantz

cc: Matthew Schwartz, AUSA (by ECF)